HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. NO. 1461/2005

CORAM : Hon'ble Shri S.R.Nayak, Chief Justice
& Hon'ble Shri Dilip Raosaheb Deshmukh, Judge

Appellants Claimants

-1. Gurdeep Singh Chabda, S/o Late Bhupendra Singh Chabda, aged about 22 years.

-2. Smt. Balbeer Kaur, W/o Late Bhupendra Singh Chabda, aged about 45 years,

Both R/o- Hirapur Coloney, Tatibandh, Police Station-Amanaka, Raipur, District-Raipur (C.G.)

VERSUS.

Respondents Non-Claimants

-1. Daljeet Singh S/o Surjeet Singh aged about 26 years, R/o-Main Road, Saraipali, Tehsil & District-Mahasamund(C.G.) [Bus Owner]

-2. The New India Insurance Company Limited, Through Divisional Manager, Office of the New India Insurance Company Limited, Madina Building, Kutchery Chowk, Medical College Road, Raipur, Tehsil & District-Raipur (C.G.) [Bus Insurer]

-3. Ramesh Kumar Rai Through Pragati Transport Organization, Ring Road No.1, Tatibandh, Police Station-Amanaka, Raipur, Tehsil & District-Raipur (C.G.) [Truck Owner]

-4. The Oriental Insurance Company Limited, Through Divisional Manager, Office of the Oriental Insurance Company Limited, Madina Building, Kutchery Chowk, Raipur, Tehsil & District-Raipur (C.G.) [Truck Insurer]

-5. Gurubakhs Singh S/o Khajan Singh Through Rawal Singh, Resident Of-Shyam Nagar, Raipur, District-Raipur (C.G.)

Shri Shivendu Pandya, Counsel for the appellants.

Shri A.K.Gupta, Counsel assisting Shri Sri Kumar Agrawal, Senior Counsel for the respondent No.2.

Shri Ali Asgar, Counsel assisting Shri Prashant Jaiswal, Senior counsel for the respondent No.4.

ORAL ORDER
(Passed on 18th January, 2006)

The Following order of the Court was passed by S.R.NAYAK, C.J.

1. In this appeal preferred by the dependants of the deceased seeking more compensation, what was contended by the learned counsel for the appellants is that the M.A.C.T. is not justified in not awarding any compensation under the conventional heads, such as, 'loss of consortium' and 'loss of estate'. It is needless to state that the above heads are the permissible heads. The claimants in the death case are entitled to reasonable compensation under more heads. We are at loss to understand why the M.A.C.T. has not awarded any compensation under the above heads.

2. In the result, we award a sum of Rs. 25,000/- towards 'loss of consortium' to the widow and a sum of Rs. 25,000/- towards 'loss of estate'. The impugned award shall stand modified accordingly.

3. The appeal is allowed to the above extent. The parties shall bear their respective costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge